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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Ghana

1. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Ghana, which were due on 4 January 1992, 1994, 1996 and 1998, respectively, submitted as one document (CERD/C/338/Add.5), at its 1432nd meeting (CERD/C/SR.1432), held on 22 August 2000. At its 1436th meeting (CERD/C/SR.1436), held on 24 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee notes the reports submitted by the State party, while regretting the late submission of the twelfth, thirteenth and fourteenth periodic reports, and expresses its appreciation for the additional oral information provided by the delegation. The report was not adequately prepared in accordance with the Committee's guidelines for the preparation of States parties' reports.

3. The Committee notes that the report does not contain information on implementation of most of the concerns and recommendations expressed by the Committee in the concluding observations on the eleventh periodic report (A/47/18, paras. 128-141).

B. Positive aspects

4. The Committee notes with appreciation the State party's policy of preventing the exploitation of ethnic differences and commends the State party for the degree to which its population of more than 50 ethnic groups has avoided serious, prolonged conflict.

5. The Committee notes that article 17 of the 1992 Constitution guarantees equality before the law and prohibits discrimination on the basis of "gender, race, colour, ethnic origin, religion, creed or social and economic status". It notes with interest the definition of discrimination provided under article 17,

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paragraph 3, of the Constitution as treatment resulting "in disabilities or restrictions on some persons which are not imposed on others or resulting in privileges or advantages for some persons which are not afforded to others".

6. The Committee welcomes the establishment in 1993 of the Commission on Human Rights and Administrative Justice to protect human rights, particularly the right to be protected from racial discrimination. The Committee takes note of the capacity of the Commission to investigate violations of fundamental rights and freedoms following a complaint or on its own initiative, as well as the binding nature of its decisions on the parties. The Committee notes also the establishment of the National Commission for Civic Education and welcomes its activities in the field of human rights education and training.

7. The Committee commends the State party for adopting measures that outlaw the practice of slavery known as "Trokosi", which affects solely females in the Ewe ethnic group, and encourages the State party to strictly enforce the criminal sanctions for violations.

C. Concerns and recommendations

8. The Committee is concerned at the lack of detailed information regarding the implementation of constitutional guarantees against racial discrimination, the legal status of the Convention under Ghanaian law, and the extent to which existing legislation is sufficient to ensure the implementation of articles 2 through 6 of the Convention. The Committee recommends that the State party conduct a detailed review of relevant legislation to ensure that it implements fully the provisions of the Convention and that the State party include in its next report detailed information in this respect.

9. The Committee notes with concern that there are continuing tensions between ethnic groups in the northern region of Ghana and recommends that the State party take immediate and effective steps to address the root causes of these tensions.

10. In this context, the Committee takes note of information concerning the existence of a Permanent Peace Negotiating Team set up to mediate and seek peaceful settlement of conflicts that arise among different ethnic groups, particularly those based on disagreements regarding chieftancy, succession and land title issues, while regretting the lack of detailed information with regard to its functioning, mandate and composition. The Committee requests that the State party provide such information in its next report.

11. The Committee notes the lack of detailed information provided about the work of the Commission on Human Rights and Administrative Justice and the Commission's handling of cases regarding racial discrimination. The Committee recommends that the State party provide in its next report information on any complaints handled by the Commission that may have addressed instances of racial discrimination.

12. The Committee regrets the lack of information in the report concerning the demographic composition of the country. The Committee recalls that it drew attention to this issue in its last concluding observations. In accordance with paragraphs 8 and 9 of its guidelines on the form and content of States parties' reports, the Committee recommends that the State party provide the Committee in its next report with statistical data regarding socio-economic status, participation in public life and other relevant information concerning different ethnic groups.

13. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

14. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

15. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of the States Parties to the Convention.

16. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised in the present concluding observations.